

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00150

Henry Lee Givens,
Plaintiff,

v.

Maxey Cerliano et al.,
Defendants.

ORDER

Plaintiff Henry Lee Givens, formerly confined within the Gregg County Jail proceeding pro se and *in forma pauperis*, filed this lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell.


On September 14, 2022, the magistrate judge issued a report recommending that plaintiff's lawsuit be dismissed for the failure to exhaust administrative remedies. Doc. 8. A copy of this report was sent to plaintiff at his last-known address. To date, plaintiff has not filed objections.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation.

In the interests of justice, the court will suspend the statute of limitations for a period of 60 days from the date of final judgment. *See Campbell v. Wilkinson*, 988 F.3d 798, 801 n.1 (5th Cir. 2021) (explaining that "[w]here further litigation of [a] claim will be time-barred, a dismissal without prejudice is no less severe a sanction than a dismissal with prejudice, and the same standard of review is used.").

Plaintiff's lawsuit is dismissed for the failure to exhaust administrative remedies. The statute of limitations is suspended for a period of 60 days from the date of final judgment. All motions pending in this civil action are denied.

So ordered by the court on November 22, 2022.



J. CAMPBELL BARKER
United States District Judge